

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

CrI.MC.No. 1769 of 2007()

CC.193/2007 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR
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PETITIONER: 3RD RESPONDENT

CHAMPAKAVALLI, AGED 72,
W/O LATE ADV.S.RAMACHANDRAN PILLAI,
CHITHRALAYAM, KACHERI ROAD, PUNALUR,
PATHANAPURAM.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS: COMPLAINANT

1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM,
REPRESENTING SUB INSPECTOR OF POLICE, PUNALUR.
2. THOMAS VARGHESE, AGED 47 YEARS,
S/O VARGHESE, CHRISTI VILLA,
VILAKUDY VILLAGE, ELAMBAL MURI, KOLLAM.

R1 BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

Crl.M.C.No. 1769 of 2007

Dated this the 1st day of June, 2007

ORDER

The petitioner is the third accused in a prosecution under Section 420 I.P.C. It is said that she is a woman aged 72 years. She faces allegations under Section 420 I.P.C. along with her daughter and another. According to the petitioner, the petitioner is absolutely innocent. No notice of the pendency of the case has been received by her. She is blissfully ignorant about the case. Solely on the basis of an endorsement made by the police in the final report, warrant of arrest has been issued against the petitioner.

2. The petitioner is willing to appear before the learned Magistrate through counsel. She prays that the warrant may not be executed against her. She has a further contention that she does not deserve to stand the trauma of this prosecution as there is no material whatsoever against her.

3. Having considered all the relevant inputs, I am satisfied that a direction can be issued in favour of the petitioner under Section 482 Cr.P.C.

4. This CrI.M.C. is accordingly allowed in part. The following directions are issued.

(1) The non-bailable warrant issued against the petitioner shall not be executed against the petitioner.

(2) The petitioner shall be permitted to appear through counsel and advance her arguments to claim discharge under Section 239/240 Cr.P.C. Appropriate orders shall be passed by the learned Magistrate.

(3) Only if the learned Magistrate finds that charges are liable to be framed, shall the learned Magistrate direct the petitioner to appear in person and the petitioner's personal presence shall not be insisted thereafter only absolutely necessary in the progress of the case.

5. Hand over the order.

(R. BASANT)
Judge